

MINUTES
UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD MEETING
Utah Department of Environmental Quality
168 North 1950 West, Building #2, (Conf. Room 101), SLC, Utah

May 11, 2006

Board Members Present: John Newman (Vice-Chair), Michael Brehm, Scott Bruce, Carlton Christensen, Kory Coleman, Craig Forster, Gary Mossor, Kevin Murray, Dennis Riding

Staff Members Present: Dennis Downs, Brad Johnson, Morgan Atkinson, Gary Astin, Ed Costomiris, George Lukes, Rusty Lundberg, Dale Marx, Rob Powers, Cheryl Prawl, Patrick Sheehan, Boyd Swenson, Paul Zahn, Dale Urban.

Others Present: Kris Snow, Chris Lilley, Roger Fromcorn, Sean McCandless, Walton Levi, Bryan Slade, Sheila Vance, Wayne Christensen, Clint Warby, Kelly Campbell, Laura Lockhart.

- I. The meeting was called to order at 1:04 p.m.**
- II. Approval of minutes for the April 13, 2006, Board meeting (Board Action Item)**
It was motioned by Michael Brehm and seconded by Gary Mossor and unanimously carried that the April 13, 2006, Board meeting minutes be approved.
- III. Underground Storage Tanks Update**
Brad Johnson informed the Board members that approximately three weeks ago, the Division of Environmental Response and Remediation (Division) met with the Utah Underground Storage Tank Advisory Task Force (UST Task Force) to discuss the concept of incorporating risk into how the fees are assessed for the Petroleum Storage Tank (PST) Fund. Over the next few weeks, the Division will be taking the information discussed in the meeting and evaluating it to see what kind of affect it would have on the PST Fund. It is then anticipated that another UST Task Force meeting will be held to present the information gathered in order to make a recommendation about how to proceed with this issue. If the Division were to change the way it assessed PST Fund fees by incorporating risk, it would require legislation.

Dennis Riding asked about the type of factors the Division would look at when trying to develop fees based on risk. Mr. Johnson stated that the Division would primarily focus on age and construction materials for the tanks, as well as some other less important factors relating to cathodic protection and tank construction.

Mr. Riding then inquired that if this type of system was put into place, would the PST Fund fees be assessed on tanks that are registered on the Fund, or would it be assessed on all tanks throughout the state as it has been done previously. Mr. Johnson explained that this is one of the biggest complications in moving forward with assessing fees based on risk. The Utah State Tax Commission currently assesses fess on all tanks throughout the state. Those people that do not have tanks on the PST Fund would then be entitled to a refund of those fees. If the Tax Commission were to assess fees any other way, it would cause a tremendous amount of administrative problems. The Division is anticipating that if this type of system was put into place, it would significantly expand the range of those people who would eligible for a refund. However, it would also require the Division to raise the fee in order to keep the total revenues for the Fund essentially the same as it has been in the past. By looking at this system conceptually, a preliminary way of assessing fees would be that $\frac{1}{3}$ of the tanks would pay 0.25 cent per gallon, $\frac{1}{3}$ would continue to pay 0.50 cent per gallon, and a higher risk $\frac{1}{3}$ would pay 0.75 cent per gallon.

Michael Brehm then asked about the statistics included in the Board packet. He asked if it is typical to have approximately 90 tanks closed within one year. Mr. Johnson stated that typically, the Division closes out about

100 tanks in a year, while 70 to 80 new sites are discovered. However, it is a concern for the Division that they are continually getting so many releases.

IV. Adoption of proposed Rule Changes to R311, UST Cleanup Standard Rules

Paul Zahn explained that on February 9, 2006, the Board approved proposed changes to R311, the Utah UST rules, for publication and public comment. The proposed changes were published in the Utah State Bulletin on March 1, 2006. The public comment period was held March 1, 2006, to March 31, 2006, and a public hearing to receive comments on the proposed changes was held on March 28, 2006. During the public comment period, five comments were received. The comments received, as well as staff responses, include the following:

- Comment: The “Initial Screening Levels” table to be incorporated by reference in R311-211-6(a) should use the term “concentrations” instead of “levels.”

Response: The use of the word “levels” in the “Initial Screening Levels” table does not correspond to specific concentrations of chemicals. It is used as a ranking system to provide project managers information in making risk management decisions. Additionally, the term “levels” in this context is used similarly to other Federal and State uses (i.e., Maximum Contaminant Levels).

- Comment: R311-211-6(d)(1) of the rule should specify “buried” utility lines, rather than referring to “utility lines.”

Response: The Division agrees that the term “buried utility lines” is more explicit than the term “utility lines.” However, the reader of this rule should be able to infer that this information only applies to the two subsurface exposure pathways that are considered in the Initial Screening Levels and Tier 1 Criteria.

- Comment: R311-211-6(a) and (d) should specify, when referencing “Initial Screening Level” and “Tier 1 Screening Criteria,” whether the soil concentration values are on a dry-weight or wet-weight basis.

Response: The intent of this rule regarding “UST Facility Cleanup Standards” is to incorporate by reference specific tables which outline the Cleanup Screening Levels and Screening Criteria. This rule does not attempt to outline environmental sampling methods or protocols which are addressed in a different section of the rules (e.g., R311-205 “UST Site Assessment Protocol”) and were not part of this proposed rule change.

- Comment: R311-211-6(e)(2)(v) should explicitly allow the owner/operator to submit an amended Corrective Action Plan (CAP) or propose site-specific cleanup standards for the Executive Secretary’s (UST) approval.

Response: The purpose of R311-211-6(e)(2)(v) is to expressly state that the Executive Secretary (UST) may order an owner/operator to submit an amended CAP or propose site-specific cleanup standards if the implemented CAP does not produce satisfactory results. Although this authority is implied in 40 CFR § 280.66 and § 280.67 incorporated through reference in R311-202, directly setting forth this authority provides better notice of the process to the regulated community and may enhance cooperation and compliance. Explicitly stating that the owner/operator is allowed to submit an amended CAP or propose site-specific cleanup standards is not necessary because the owner/operator always has the option of voluntarily submitting an amended CAP or proposing site-specific cleanup standards for the Executive Secretary’s (UST) approval.

- Comment: Currently, R311-211-6(d)(1) and R311-211-6(d)(2) require measurement from “...the highest measured concentration of any contaminant that is greater than the initial screening levels but less than or equal to the Tier 1 screening levels...” to utilities, buildings, property lines, water wells, and surface water. This measurement is used to determine whether Tier 1 screening levels are the applicable cleanup standards. The comment suggested using “any” instead of “the highest” as the point of measurement to the above receptors.

Response: Measurement from the point of highest concentration is meant to reflect the distance from the source area to any nearby receptors. The evaluation of sites using Tier 1 Criteria assumes that as contamination migrates away from the source area, contaminant concentrations decrease over distance. Since Initial Screening Levels are considered clean, the word “any” instead of “the highest” may infer that the point of measurement is at the edge (extent) of the plume rather than the source area. Since the edge of the plume is considered clean, the distance evaluation to protect receptors would not be necessary.

The Division now requests that the Board adopt the rule changes to R311-200, 205, 207, and 211, with an effective date of May 15, 2006.

Mr. Brehm questioned if the Division had personally contacted these individuals who made comments to discuss staff responses to their comments. Mr. Zahn indicated that no contact had been made. However, the Division established a committee, which included personnel from management, the Utah Attorney General’s Office, and the staff toxicologist, to go over these comments. Mr. Johnson also added that the Division has been working on these rule changes for the last year and half, which included lengthy stakeholder involvement. It was also presented and discussed in numerous UST Task Force meetings. It is the intention of the Division that those individuals who did comment on the rule changes will receive a response from the Division.

It was motioned by Carlton Christensen and seconded by Dennis Riding, and unanimously carried that the proposed rule changes to R311-200, 205, 207, and 211 (Utah UST Rules) be approved with an effective date of May 15, 2006.

V. Used Oil Section

A. Proposed Stipulation and Consent Order between the Board and Indian Oil (Board Action Item)

Cheryl Prawl reviewed the proposed Stipulation and Consent Order No. 0604015 (SCO) between the Board and Indian Oil Corporation (Indian Oil). Indian Oil operated a used oil processing facility in Lindon, Utah which ceased operations in 2003.

On September 3, 2003, Notice of Violation (NOV) No. 0307020 was issued to Indian Oil regarding various compliance issues. The NOV was issued based on three findings: (1.) Indian Oil stored used oil in two, underground concrete sumps. The sumps were not appropriate or permitted containers; (2.) Indian Oil stored used oil in an un-labeled, above-ground tank; and (3) Indian Oil stored used oil in open containers, some of which were leaking.

To resolve the NOV, a proposed SCO has been negotiated with Indian Oil. Under the terms of the proposed SCO, Indian Oil shall pay \$11,040.00 within one year of the effective date of the proposed SCO.

A 30-day public comment period on the proposed SCO was held from April 10, 2006 to May 9, 2006. No comments were received. The Division recommends that the Board approve the proposed SCO.

John Newman asked if the new buyer has been able to overcome the financial difficulties associated with the facility. Cheryl Prawl stated a new investor, John Taylor, has recently purchased a 75% interest in the company, initiated the final activities outlined in the approved closure plan to clean up the facility, negotiated the resolution of Indian Oil’s outstanding NOV and plans on processing used oil at the facility again, once all permit requirements have been satisfied and approval is obtained from the Executive Secretary. Ms. Prawl stated that Mr. Taylor is seeking additional funding. Currently, the only activities going on at the facility are closure activities and cleanup. Once the additional funding is granted, Mr. Taylor will apply for a Used Oil Permit. Once that is obtained, Mr. Taylor can begin to process used oil again. At this point, it is unclear what financial backing Mr. Taylor will obtain. Mr. Taylor has applied for a Used Oil Permit, however there are numerous issues regarding funding, such as reclamation surety, third-party liability insurance, etc. that still need to be addressed. Mr. Newman asked if payment of the penalty is required before Mr. Taylor can obtain a Used Oil Permit and start production. Ms. Prawl stated that the penalty does not need to be paid before a Used Oil Permit can be granted.

However, the Used Oil staff would like to get the pending issues resolved before the Used Oil Permit is granted. If the Board approves the proposed SCO, Mr. Taylor should be able to sign the SCO before the end of the week. Board members asked if the reason the penalty was to be paid over a year rather than all at once was to accommodate Mr. Taylor in the payment of the penalty. Ms. Prawl stated yes. Carlton Christensen asked is there was assurance that, in a year from now, Indian Oil could pay the rest of the fine since the State is not requiring the back fines to be paid before operations resume. Mr. Christensen also asked if it is common to extend the payments out over a year. Mr. Sheehan stated that the Used Oil staff members are trying to handle the new permit separately from the old issues associated with the closure of the facility and the current SCO penalty amount. A Surety Bond is currently in place that would ensure the cleanup of the facility. There is no guarantee that the penalty will be paid in full, but verbal assurances have been given that over the one-year time frame the penalty can be paid. Mr. Christensen asked if the Surety Bond covers penalties. Mr. Sheehan stated that it does not. Dennis Downs stated that this scenario is not unusual. The Division is not interested in putting businesses out of business. The Division's goal is to get facilities to comply with the regulations. The Division does not want a penalty to result in the closure of a business because of financial problems. If the Division feels a facility should be closed there are other mechanisms to close the facility. If it has been determined that, due to a financial hardship, the Division has agreed to spread the payment out one or even two years depending on the size of the penalty there is a contingency in place that if the facility does not pay, then that is a violation of the SCO. At that point more penalties are assessed and the Division would not allow the facility to further extend their penalty out again. This is just one mechanism utilized to assist a company to operate if they do not have a large amount of money to put into their penalties.

Michael Brehm stated that often times these types of businesses are essential in the marketplace, and if there are not enough of them, everyone suffers. Mr. Brehm asked if the Division considers the market place and whether the needs of the market are being met as it regulates businesses subject to the used oil program. Mr. Downs stated that needs of the market place are not normally considered in determining the operability of a business. Rather, it is usually based on the financial condition of the company.

It was motioned by Kevin Murray and seconded by Kory Coleman and unanimously carried to approve the Proposed Stipulation and Consent Order No. 0604015 between the Board and Indian Oil Corporation (Indian Oil).

B. Presentation on the Used Oil Program

Cheryl Prawl, Used Oil Section Manager, gave a power point presentation on Utah's Used Oil Recycling Program. (A copy of the presentation is available with the meeting minutes.)

The overview included the following information:

Used oil is defined as any oil, refined from crude oil or synthetic oil that has been used and as a result of that use is contaminated by physical or chemical impurities. Used oil can not be placed in your trash can, it needs to be recycled. To be recycled, used oil should not be mixed with water or gasoline. Used oil is not a hazardous waste as long as it is destined to be recycled. Used oil is a valuable natural resource that never wears out, it can be used over again, if it is re-refined. Recycling used oil conserves energy, reduces our dependency on foreign oil and protects human health and the environment. In 1992, the Federal US Environmental Protection Agency (EPA) promulgated the Used Oil Rules. In 1993, the Utah Legislature enacted the "Used Oil Management Act" mandating new standards for collection, processing, and recycling of used oil. The Act corresponds with the standards promulgated by the US EPA. The Division of Solid and Hazardous Waste (DSHW) developed and is responsible for implement the rules for the management of used oil as found in R315-15.

There are two major aspects of the Used Oil Program within the DSHW. (1) The Do-it-yourselfer (DIY) recycling program. This program is for people who generate used oil through household activities. This program includes DIYer Used Oil Collection Centers, which are sites or facilities that accept or aggregate and store used oil collected only from do-it-yourselfers and independent farmers. (2) The Generator Used Oil Collection Centers. These centers are sites or facilities that are registered with the state to accept or aggregate and store used

oil collected from used oil generators, which may include DIYer used oil brought in shipments of no more than 55 gallons.

The State of Utah Used Oil Program is more stringent than the US EPA program. The following are required from Utah Used Oil Collection Centers: permits/registrations, annual reports, reclamation surety, closure plans, and liability insurance. The Do-It-Yourselfer (DIYer) used oil recycling program is not mandated by the US EPA.

The Used Oil Program receives no federal funding or state general funding. It is funded 100% by a four-cent per quart fee on sale of new oil. This money is placed in the Used Oil Restricted Account. The following are the exemptions to the four-cent fee: oil shipped outside Utah; purchases in 5-gallon or smaller containers used solely for underground mining operations; bulk containers of 55-gallons or more.

The priorities of the Used Oil Management Act include: reimbursing the Division and Board for the costs of implementation of the program, reimbursing the DIYer used oil collection centers (UOCCs), public education programs, awarding grants for establishment of UOCCs and programs, especially in rural areas and funding to local health departments (LHDs) for used oil management. Currently, there are three full-time employees that work in the Used Oil Program for DSHW. Their responsibilities include: permitting; compliance/enforcement; training/assistance; and rulemaking. Most facilities are inspected annually. An extensive audit is done approximately every three years and enforcement actions are taken when necessary. Annual reporting by each facility is required.

A graph entitled "Utah Collected/Transported Used Oil (1990-2004)" was presented and discussed. A massive re-write of the used oil rules is underway. The re-write includes: clarifying rules, incorporating changes proposed by EPA; adding changes in Used Oil Management Act made by the Legislature; and responding to new technologies and processes.

The DIYer Recycling Program currently has one full-time employee who oversees this program. Responsibilities include: coordinating all the activities of the used oil collection centers. (Currently, there are 300+ used oil collection centers.); public education and outreach; grants; and LHD funding. Used oil collection centers can not charge the public for collecting the used oil. DIYer recyclers are reimbursed 16 cents a gallon. (A graph showing how many gallons of "Utah DIYer Used Oil Collection" has occurred was presented.) DIYer Recycling Facilities can be supplied with the tank, stairs, fencing, secondary containment, pump, awning, log sheets, test kits, locking funnel box, booklet, signs, and assistance.

To date, 174 grants have been given out, totaling approximately \$1,206,310. The average grant ranges from a few hundred dollars to less than \$10,000.

Contracts with the Local Health Departments (LHDs) are negotiated annually. Funding totals \$122,000/year, totaling approximately \$10,000 for each LHD. The LHDs are required to inspect the UOCCs twice a year, investigate complaints, assist with local public education and outreach, assist the UOCCs with problems, needs, etc., and participate in steering committee meetings.

Public Education and Outreach activities include: 17 used oil steering committees, Semi-annual newsletter, TV commercials, HS videos, newspaper ads, posters, brochures, promo items, billboards, booths at community events; DEQ 1-800-458-0145 number; USU used oil study, U of U used oil filter study, Utah Dept of Agriculture and Food, Utah Conservation Corp., Utah Grizzly and Jazz—NAPA, HS driver's education video, Jiffy Lube, U of U & USU games w/KJAZZ, and KRSP ads.

Benefits of the Program include: 300+ used oil collection centers; over 4,000,000 gallons of DIYer oil has been recycled; approximately \$601,000 has been reimbursed to the used oil collection centers; Local Health Departments receive approx. \$1,300,000; and in 2004 10,500,000 gallons total of oil were collected/recycled as compared to 1990 when 3,700,000 gallons were recycled.

Awards and Recognition for the Used Oil Program include: support from Governor Leavitt, EPA Region VIII, Silver Telly Award Winner, Utah State Fair Booth Award, and NORA .

Future goals include: establishing additional rural used oil collection centers; further used oil recycling studies; request and encourage state agencies to purchase re-refined motor oil; promote used oil filter recycling; and continuing to develop and evaluate public education and outreach.

Carlton Christensen asked about the balance of the Used Oil Fund. Ms. Prawl stated that the balance is approximately \$100,000.

VI. Hazardous Waste Management Section

A. Proposed Stipulation and Consent Order between the Board and IBC Technology Inc. (Board Action Item)

Allan Moore reviewed the proposed Stipulation and Consent Order (SCO) between the Board and IBC Advanced Technologies. The SCO is to resolve Notice of Violation (NOV) No. 0505015 issued to IBC Advanced Technologies, Inc. on July 29, 2005.

On March 30, 2005, IBC Advanced Technologies, Inc. was inspected as a Large Quantity Generator. Violations cited in the NOV included: R315-5-10(a): failure to keep hazardous waste containers closed, R315-5-3.31: failure to properly label containers of hazardous waste, R315-5-3.34: failure to store containers of hazardous waste within the 90-day storage limit, R315-7-10.6: failure to maintain aisle space in the 90-day storage area to allow for container inspections.

The SCO includes a total penalty of \$2,940.00, with provisions for a Supplemental Environmental Project (SEP).

A 30-day public comment period on the proposed SCO was held from March 31, 2006 to May 1, 2006. No comments were received during the public comment period. The Division recommends that the Board approve the proposed SCO.

It was motioned by Gary Mossor and seconded by Craig Forster and unanimously carried to approve the Proposed Stipulation and Consent Order No. 0509026 between the Board and IBC Advanced Technologies, Inc.

VII. Commercial/Federal Facilities

A. Energy Solutions request for a site-specific treatment variance for PCB as an underlying hazardous constituent in soil containing characteristic hazardous waste for metals (Board Action Item)

George Lukes reviewed the EnergySolutions, LLC, request to the Executive Secretary for a one-time, site-specific treatment variance from the Utah Hazardous Waste Management Rules. The following correction was identified to the Board: EnergySolutions estimates it may receive up to 3,000 cubic ~~yards~~ feet of this waste type this year. At this point, EnergySolutions is considering receiving sixty cubic feet. Over the course of the year, they anticipate receiving 200-300 cubic feet, but rather than coming back to the Board for another variance request they have requested 3,000 cubic feet. The Mixed Waste Facility proposes to receive soils containing formerly characteristic hazardous waste for metal wastes (D004-D011) and also containing Polychlorinated Biphenyls (PCBs) at levels greater than 100 mg/kg as Underlying Hazardous Constituents. If this soil was not formerly characteristic for the metal wastes (contained only PCBs at these levels), then EnergySolutions would be permitted to dispose of the waste. Federal rules allow this waste to be disposed without further treatment. However, the State of Utah has not adopted these rules. The State's decision was based on the onerous amount of analytical work that would be required. Rather than follow the federal rules, the State left open the one-time, site-specific treatment variance option. Final disposal of the waste will occur in the Mixed Waste Disposal Cell at the EnergySolutions Mixed Waste Facility.

A 30-day public comment period was held from April 11, 2006 to May 10, 2006. A public hearing was held on April 26, 2006. No comments were received during the public comment period. The Division recommends

approval of the variance request based on meeting the regulatory basis for a variance and that it is safe to human health and the environment.

Dennis Riding questioned why the Federal rules require so much analytical work and what does it entail? Mr. Lukes stated he is not sure why the requirement is there, as the rule was adopted prior to Mr. Lukes' employment with the State. He stated he believes that it is just more rigorous requirements. The underlying hazardous constituent universal standard is approximately 100 ppm. The waste EnergySolutions is looking at is approximately 355 ppm. The Federal rules do not specify a concentration range. It unclear why there are rigorous laboratory requirements.

It was motioned by Gary Mossor and seconded by Dennis Riding and unanimously carried that the EnergySolutions, March 31, 2006, request for a site-specific treatment variance for PCB as an underlying hazardous constituent in soil containing characteristic hazardous waste for metals be approved.

**B. Proposed Stipulation and Consent Order between the Board and Tooele Army Depot
(Informational Item Only)**

Boyd Swenson informed the Board of the proposed Stipulation and Consent Order (SCO), No. 0602009 between the Board and Tooele Army Depot. This SCO is to resolve the Notice of Violation No. 0511038 issued to Tooele Army Depot on December 8, 2005. Violations included the following: failing to record the required operating data while burning hazardous wastes; failing to train personnel using the computer based system and failing to use the computer database for recording training results.

The violations have been resolved. The SCO includes a penalty of \$6,135.00.

A 30-day public comment period on the proposed SCO began on April 13, 2006, and will continue through May 12, 2006. This is an informational item at this time. A recommendation to the Board will be provided during the next Board Meeting.

**C. Proposed Stipulation and Consent Order between the Board and Safety Kleen Systems, Inc.
(Informational Item Only)**

Boyd Swenson informed the Board of the proposed Stipulation and Consent Order (SCO), No. 0602007 between the Board and Safety-Kleen Systems, Inc. This SCO is to resolve the Notice of Violation (NOV) No. 0511037 issued to Safety Kleen Systems, Inc. on November 29, 2005.

The violations have been resolved. The draft SCO includes a penalty of \$9,730.00.

A 30-day public comment period on the proposed SCO began on April 20, 2006, and will continue through May 22, 2006. This is an informational item at this time. A recommendation to the Board will be provided during the next Board Meeting.

Board members asked for clarification on the violation. Mr. Swenson stated that Safety-Kleen was cited for failing to visually inspect certain types of waste when picking up the waste from the generator. There was a class of waste, typically dry cleaner solvents that Safety Kleen Systems, Inc. was not inspecting at the point of pickup. Board members questioned why Safety-Kleen Systems, Inc. had not been inspecting the waste. Mr. Swenson stated there was some failure on Safety-Kleen Systems, Inc. part to be aware and follow through with the regulations/requirements in their permit. It is a clear requirement in their permit that requires a visual inspection of each container of waste at the customer's location prior to acceptance. Board members asked if this violation had occurred in the past. Mr. Swenson stated it is unclear if the waste had ever been inspected. Board members asked what a visual inspection would actually entail. Mr. Swenson stated that certain criteria exist depending on the waste. The inspection requires an evaluation of the waste volume, appearance, color, consistency, and various other items to verify the waste looks like and has the consistency of what it is expected to have. Board members asked if the violation was considered "Major" because of the length of time. Mr. Swenson stated the penalty was categorized as "Major" because wastes collected by Safety-Kleen are either derived from product that is provided

to the customer by Safety-Kleen, e.g., part washer solvent, or are generated from product materials that the customer obtains from sources other than Safety-Kleen, e.g., dry cleaning wastes. It is this entire latter category of wastes, i.e., those not derived from product provided to the generator by Safety-Kleen that were not inspected at the time of pick-up. Board members asked if the final disposition of the waste was handled appropriately. Mr. Swenson stated that the waste was managed properly at the Safety-Kleen facility and then ultimately sent to a treatment/disposal facility. The treatment/disposal facility also inspects the waste and found very few, if any, discrepancies in the material.

D. Proposed Stipulation and Consent Order between the Board and Northeast Casualty Real Property, LLC. (Informational Item Only)

Ed Costomiris informed the Board of the proposed Stipulation and Consent Order (SCO), No. 0603014 between the Board and Northeast Casualty Real Property's Clive Facility. This SCO is to resolve the Notice of Violation (NOV) No. 0601005 issued to Northeast Casualty Real Property's Clive Facility on February 15, 2006.

The violations have been resolved. The draft SCO includes a penalty of \$11,716.00.

A 30-day public comment period on the proposed SCO began on May 9, 2006, and will continue through June 8, 2006. This is an informational item at this time. A recommendation to the Board will be provided during the next Board Meeting.

Dennis Downs clarified that this facility was formally known as the Clive Facility. It was an incinerator facility initially, which was never actually used as incinerator. When the subsequent owners purchased the facility, they took the incinerator facility down and it is now used only as an off-loading and a storage facility. It is located in the west desert.

Board members asked for clarification regarding the violations. Mr. Ed Costomiris indicated the violations included the following: Failure to transfer waste from a container in poor condition (leaky container) to a container in good condition; Failure to maintain a truck door in good operating condition; and failure to maintain a sump in good operating condition. Board members asked what type of waste was in the leaky container. Mr. Costomiris stated that Northeast Casualty has a building where they wash out roll-off boxes that contain a variety of hazardous wastes. One of the roll-off containers was leaking.

VIII. Chemical Demilitarization

TOCDF Update – Marty Gray

Mr. Gray reported that the Class III Baseline Mustard Ton Container Processing Modification is currently out for public comment. The public comment period started on May 2, 2006 and will end on June 15, 2006. A hearing will be held on May 31, 2006. All the information regarding this permit modification can be found on the Division's web-site, including the modification language changes, the trial burn plans, the sampling plan for the mustard ton containers and other backup information.

The sampling of the ton containers is undergoing a pre-operational review. The Army is reviewing the process to ensure that everything is in order. As soon as the review is completed and the Army has passed that review, the Army will be ready to commence the sampling program. It is anticipated to start the end of May 2006.

CAMDS has submitted a letter to the Division stating they are now ready to resume their treatment operations and their closure operations. Division staff have gone back out to facility and conducted another inspection. In that inspection, significant improvement has taken place in many areas that had been deficient during the major inspection. However, there were also some other areas where permit violation issues are still occurring. CAMDS is working with the Division staff to resolve these issues. Once those issues are resolved, it is anticipated that CAMDS will begin start-up activities on closure activities and running the metal parts furnace. The Army has informed the Division that they have hired SAIC, a contractor who will be assisting CAMDS with their closure operations.

The major activities at Dugway are corrective action and closure. Dugway has Performance Based Contracts that were issued for taking care of fifteen different sites at Dugway. Shaw Environmental is the contractor that has won the contract and it is anticipated that a model landfill cap that will be utilized for capping a number of the landfills at Dugway.

Mr. Gray stated that a presentation on the status of Dugway's Corrective Action and other activities taking place during this summer at Dugway will be provided to the Board at the June meeting.

IX. Other Business

A. Update on Board Field Trips

Dennis Downs stated that during last month's Board meeting, discussions took place regarding potential field trips. The Davis County Solid Waste Management Site was mentioned as a possible field trip. Mr. Nathan Rich, representative for the Davis County Solid Waste Management Site has offered to host a tour of their landfill and incineration facilities. After discussion with Mr. Rich, it was determined that the best time to visit the facility would be in September. The tour would begin at approximately 10:00 a.m. and the Board meeting would be held in the afternoon at or near the site location. Mr. Downs and Arlene Lovato will coordinate the tour logistics and lunch will be provided. This facility is located in Layton, Utah.

Another potential Board tour is the Geneva Steel Site. It is anticipated that this tour would be conducted in October. The tour of the facility would begin in the morning and the Board meeting would be held in the afternoon at or near the site location. (Further discussion on the logistics will take place in upcoming Board meetings.)

B. Possible Cancellation of July or August Board meeting

The possibility of canceling the July or August Board meeting was addressed. Board members voted and the decision was made not to conduct a Board meeting in August.

The next Board meeting will be held on (Thursday) June 8, 2006 at 1:00 p.m., in the DEQ Building #2, Conference Room 101.

The meeting adjourned at 2:12 p.m.